

EXHIBIT E

Depo Designation Tracking

- **Cato**
 - Arista – 9 minutes
 - Cisco – 7 minutes 44 seconds
 - Exhibits Disclosed
 - None

Cisco v Arista

 Cato 30(b)(6), Gavin (Vol. 01) - 05/20/2016

1 CLIP (RUNNING 00:17:08.906)



CATO_ALL

56 SEGMENTS (RUNNING 00:17:08.906)



1. PAGE 10:13 TO 10:20 (RUNNING 00:00:10.010)

13 Q. Would you please state your name for the
 14 record.
 15 A. Gavin Richard Cato.
 16 Q. Where do you work?
 17 A. Dell.
 18 Q. And what is your title?
 19 A. Vice president of development and
 20 engineering.

2. PAGE 11:16 TO 11:18 (RUNNING 00:00:03.619)

16 Q. Does Dell make and sell Ethernet
 17 switches?
 18 A. Yes.

3. PAGE 11:22 TO 12:14 (RUNNING 00:00:44.143)

22 Is Dell a competitor of Cisco?
 23 A. Yes.
 24 Q. In what markets does Dell compete
 25 directly with Cisco?
 00012:01 A. Dell would compete in converged solutions
 02 and the campus solutions and the data center
 03 solutions.
 04 Q. And does that include switches?
 05 A. It includes switches.
 06 Q. Is Dell a competitor of Arista?
 07 A. Dell is a competitor of Arista.
 08 Q. In what markets does Dell compete with
 09 Arista?
 10 A. Primarily, competes with Arista in the
 11 data center market.
 12 Q. And, again, that would include switches;
 13 is that correct?
 14 A. Yes.

4. PAGE 28:20 TO 29:03 (RUNNING 00:00:24.656)

20 you -- but have you become knowledgeable about the
 21 CLI supported on Dell's Ethernet switches, since
 22 joining the company in 2013?
 23 A. In general, yes.
 24 Q. Do you have any responsibilities at Dell
 25 with respect to the CLI?
 00029:01 A. I have responsibility for the teams that
 02 do the development of the products and solutions,
 03 which would include the CLI development.

5. PAGE 35:04 TO 35:07 (RUNNING 00:00:10.655)

04 did you become aware -- have you become aware of
 05 similarities between the CLI supported by Dell's
 06 Ethernet routers and switches and the CLI supported
 07 by Cisco's routers and switches?

6. PAGE 35:10 TO 35:14 (RUNNING 00:00:08.348)

10 THE DEPONENT: I have become familiar

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11 with the fact that there's similarity --
 12 similarities between the CLIs.
 13 Q. (By Ms. McCloskey) What are those
 14 similarities?

7. PAGE 35:17 TO 35:25 (RUNNING 00:00:33.149)

17 THE DEPONENT: There's -- there's
 18 similarities in terms of overall, I guess,
 19 structure --
 20 Q. (By Ms. McCloskey) Uh-huh.
 21 A. -- of -- of what a CLI generally looks
 22 like versus a bunch of dashes, dots. It's a
 23 generalized set of expected configurations and
 24 parameters that a customer would need to know for a
 25 network switch.

8. PAGE 36:01 TO 36:08 (RUNNING 00:00:26.449)

00036:01 Q. What do you mean by expected
 02 configurations?
 03 A. If you have a VLAN, then everybody --
 04 there's an expectation that a VLAN and the
 05 terminology around VLAN will somewhere appear in
 06 the CLI along with the parameters necessary to
 07 structure VLAN so that it interoperates across
 08 multiple switches.

9. PAGE 37:18 TO 37:20 (RUNNING 00:00:07.568)

18 Q. Do customers generally expect the Dell
 19 CLI to support familiar command modes and
 20 their assoc- -- and their associated prompts?

10. PAGE 37:23 TO 38:05 (RUNNING 00:00:28.069)

23 THE DEPONENT: Customers expect Dell to
 24 support command modes and ensure that those command
 25 modes are -- are familiar with their technicians.
 00038:01 Q. (By Ms. McCloskey) How do you know that?
 02 A. Because any time we create command modes,
 03 we go and we make sure that the -- the
 04 documentation and customers are trained so that
 05 they can operate the switches.

11. PAGE 38:06 TO 38:14 (RUNNING 00:00:32.284)

06 Q. Would it be accurate to say that the
 07 command mode supported by the Dell CLI are also
 08 dictated by customer expectations?
 09 A. The command mode supported by Dell
 10 switches are dictated by customer expectations, as
 11 well as our analysis of best practices for
 12 implementation of the functionality are the most
 13 efficient means of implementation of the
 14 functionality.

12. PAGE 39:04 TO 39:16 (RUNNING 00:00:43.999)

04 Q. Okay. Do customers -- in your
 05 experience, do customers expect the Dell CLI to
 06 support any particular command syntax?
 07 A. I'm aware that customers have
 08 requirements, hard -- sometimes hard requirements
 09 for support of particular commands and command
 10 modes and sequences of CLIs.
 11 Q. What kind of hard requirements have you
 12 become aware of?
 13 A. I've -- I've seen the hard requirements
 14 in terms of you need to support this particular way

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15 of scripting that is consistent with how our techs
16 already script and operate these in the field.

13. PAGE 39:17 TO 39:19 (RUNNING 00:00:06.805)

17 Q. Are you able to give any examples of
18 command syntaxes that Dell customers expect to see
19 in the Dell CLI?

14. PAGE 39:22 TO 39:22 (RUNNING 00:00:02.144)

22 THE DEPONENT: Specifically, no.

15. PAGE 39:23 TO 40:10 (RUNNING 00:00:32.855)

23 Q. (By Ms. McCloskey) Do you know what a
24 show command is?
25 A. Yes.
00040:01 Q. What is a show command?
02 A. A show command enables you to identify
03 and show what is currently configured in the
04 switch.
05 Q. Do Dell customers, in your experience,
06 expect Dell CLI to support show commands?
07 A. Yes.
08 Q. How do you know that?
09 A. It's been a hard requirement from the
10 get-go and it's existed from the get-go.

16. PAGE 40:11 TO 40:12 (RUNNING 00:00:06.232)

11 Q. What do you mean from the get-go?
12 A. From when I joined Force10, it was there.

17. PAGE 40:21 TO 40:23 (RUNNING 00:00:09.890)

21 Q. Are you responsible for the team that
22 adds new CLI commands to Dell's CLI?
23 A. Yes.

18. PAGE 41:03 TO 42:07 (RUNNING 00:01:45.532)

03 Q. Is there a review -- a review process
04 that's used to decide whether any particular
05 command will become the final CLI command?
06 A. Yes.
07 Q. Can you tell me about that review
08 process?
09 A. Sure. The developers take it to a group
10 of -- of code reviewers, who then code review for
11 consistency with the products in Dell's solutions,
12 and those code reviewers will include architects
13 for the solutions and systems.
14 Q. What do you mean by architects for the
15 systems and -- for the solutions and systems?
16 A. Dell designates expertise for particular
17 areas, functional areas, and in the -- and then
18 overall system level architects in the system level
19 architects with generalized knowledge will make
20 that call collectively.
21 Q. Are there any guidelines that are used in
22 selecting CLI commands?
23 A. No.
24 Q. Any informal guidelines?
25 A. Tribal knowledge.
00042:01 Q. Okay. What do you mean by tribal
02 knowledge?
03 A. Dell's networking teams are made up of a
04 collection of folks with industry experience from a
05 wide variety of places, and they come in looking at

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06 the solutions end to end and understanding how
07 the -- the products need to -- to interoperate.

19. PAGE 42:08 TO 42:15 (RUNNING 00:00:19.897)

08 Q. So would you say -- say that Dell's
09 networking teams rely on and use their industry
10 experience in creating new CLI commands?
11 A. Yes.
12 Q. Do you know whether Dell engineers
13 consult industry standards, such as those from the
14 ITF or IEEE, when adding new CLI commands?
15 A. We do.

20. PAGE 42:16 TO 42:16 (RUNNING 00:00:01.044)

16 Q. Why?

21. PAGE 42:19 TO 43:03 (RUNNING 00:00:30.945)

19 A. We do to make sure that we're consistent
20 with industry; that is, defined hard industry
21 standards, but we're also very knowledgeable about
22 the fact that there are -- there are
23 customer-driven expectations and standards that
24 emerge through informal means.
25 Q. So would it be accurate to say that Dell
00043:01 considers both industry standards and customer
02 expectations in coming up with new CLI commands?
03 A. Yes.

22. PAGE 57:16 TO 58:10 (RUNNING 00:00:50.844)

16 Q. So based on your experience in
17 networking, you've heard the term of
18 "industry-standard CLI" in a variety of contexts;
19 is that correct?
20 A. Yes.
21 Q. From a variety of different entities; is
22 that correct?
23 A. Yes.
24 Q. Do you have an understanding of what the
25 term "industry-standard CLI" refers to?
00058:01 A. Yes.
02 Q. What does it refer to?
03 A. It refers to the practices in the
04 industry, in general, relative to the CLI and the
05 implementation of the CLI in the industry.
06 Q. What do you mean the practices in the
07 industry, in general?
08 A. Expectations from the industry for -- and
09 customers for -- for certain capabilities that must
10 exist within the CLI.

23. PAGE 61:20 TO 62:10 (RUNNING 00:00:54.752)

20 Q. Are there any circumstances in which Dell
21 does not adopt industry-standard commands?
22 A. We will not adopt an industry-standard
23 command if we don't think that the underlying
24 functionality can be developed without violating
25 somebody else's intellectual property.
00062:01 Q. What do you mean by, when the underlying
02 functionality can't be developed without violating
03 someone else's intellectual property?
04 A. If -- if there is intellectual property
05 across the implementation of a particular --
06 particular protocol or -- or particular innovation
07 and the command is simply an interface into that
08 innovation, we won't --

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09 Q. I see.
10 A. -- touch it.

24. PAGE 62:24 TO 63:03 (RUNNING 00:00:09.821)

24 Q. (By Ms. McCloskey) Is it your
25 understanding that Dell uses many CLI commands that
00063:01 are also supported by other networking equipment
02 vendors in the industry?
03 A. Yes.

25. PAGE 63:05 TO 63:10 (RUNNING 00:00:21.561)

05 Q. (By Ms. McCloskey) How do you know that?
06 A. Because it's an industry standard.
07 Q. Do you have an understanding as to
08 whether Cisco uses many CLI commands that are also
09 supported by other networking equipment vendors in
10 the industry?

26. PAGE 63:13 TO 63:16 (RUNNING 00:00:09.367)

13 THE DEPONENT: I'm aware that some of
14 their commands are consistent with other vendors.
15 Q. (By Ms. McCloskey) How do you know that?
16 A. Because they're industry standard.

27. PAGE 64:09 TO 64:21 (RUNNING 00:00:34.255)

09 Q. (By Ms. McCloskey) Are you aware of
10 other vendors with whom Dell's CLI commands
11 overlap?
12 A. Yes.
13 Q. Which vendors?
14 A. Anybody that uses that same industry
15 standard. So it would be Arista. I believe
16 Juniper. Extreme. Enterasys. Anybody that uses
17 the Broadcom, PowerConnect software or Level --
18 Level 7 software.
19 Q. So many vendors use the industry-standard
20 CLI demands?
21 A. Yes.

28. PAGE 64:24 TO 65:02 (RUNNING 00:00:11.636)

24 Q. (By Ms. McCloskey) Has -- has Dell ever
25 considered whether it was somehow wrong to use CLI
00065:01 commands that are also supported by Cisco?
02 A. No.

29. PAGE 65:05 TO 65:08 (RUNNING 00:00:06.958)

05 Q. (By Ms. McCloskey) Is it fair to say
06 that if Dell thought that it was wrong to use a
07 certain CLI command, it wouldn't use it?
08 A. Yes.

30. PAGE 65:10 TO 65:13 (RUNNING 00:00:06.463)

10 Q. (By Ms. McCloskey) Is it fair to say
11 that if Dell thought it was illegal to use a
12 certain CLI command, it wouldn't use it?
13 A. Yes.

31. PAGE 69:06 TO 69:07 (RUNNING 00:00:04.332)

06 Q. (By Ms. McCloskey) Has Dell ever asked
07 Cisco for permission to use any CLI command?

32. PAGE 69:09 TO 69:13 (RUNNING 00:00:09.451)

09 THE DEPONENT: Not that I'm aware of.

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10 Q. (By Ms. McCloskey) Are you aware that
11 Dell ever thought that it needed permission from
12 Cisco to use any CLI command?
13 THE DEPONENT: Not that I'm aware of.

33. PAGE 71:17 TO 71:21 (RUNNING 00:00:10.367)

17 Q. (By Ms. McCloskey) Has Cisco ever
18 indicated to Dell that it would take legal action
19 against Dell as a result of Dell's use of
20 industry-standard commands?
21 A. Not that I'm aware of.

34. PAGE 79:09 TO 79:11 (RUNNING 00:00:06.431)

09 Q. (By Ms. McCloskey) Does Dell generally
10 market or advertise to its customers that it
11 supports an industry-standard CLI?

35. PAGE 79:13 TO 79:13 (RUNNING 00:00:00.479)

13 THE DEPONENT: Yes.

36. PAGE 87:21 TO 87:23 (RUNNING 00:00:05.819)

21 Q. (By Ms. McCloskey) Do you have an
22 understanding, based on your experience, what this
23 document means by a Cisco-like CLI?

37. PAGE 88:01 TO 88:09 (RUNNING 00:00:23.970)

00088:01 THE DEPONENT: I believe it would
02 probably be marketing to a Cisco customer. And if
03 we were marketing to an Arista customer, we would
04 say Arista-like CLI, or if we were marketing to an
05 Extreme customer, we'd say Extreme-like CLI.
06 Q. (By Ms. McCloskey) So you think that
07 there are different documents prepared depending on
08 who the -- the current customer, what vendor they
09 use?

38. PAGE 88:11 TO 88:14 (RUNNING 00:00:06.585)

11 THE DEPONENT: I assume that this would
12 be -- I would assume that you would target your
13 marketing documentation to who you were trying to
14 sell to.

39. PAGE 88:16 TO 88:19 (RUNNING 00:00:08.259)

16 Q. (By Ms. McCloskey) And so is this use of
17 Cisco-like CLI, does it encompass in any way the
18 industry standard CLI that we've been discussing
19 today?

40. PAGE 88:22 TO 88:24 (RUNNING 00:00:06.412)

22 THE DEPONENT: I would believe that it
23 is -- it would be a subset of the industry-standard
24 CLI.

41. PAGE 88:25 TO 89:08 (RUNNING 00:00:31.471)

25 Q. (By Ms. McCloskey) What do you mean by a
00089:01 subset of the industry-standard CLI?
02 A. I would believe that the industry, as a
03 whole, has -- continues to evolve what's considered
04 a standard for the industry and that the various
05 experiences and technologies contribute to what
06 that becomes and evolves to. So a subset would
07 be -- there -- there are industry standards that
08 Cisco may choose not to implement.

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42. PAGE 89:09 TO 89:15 (RUNNING 00:00:18.329)

09 Q. We've talked about industry standard
10 today.
11 How do you know when a command is an
12 industry-standard command?
13 A. Where it starts to become a common
14 request from customers and a common -- commonly
15 used command or interface.

43. PAGE 91:08 TO 91:10 (RUNNING 00:00:07.002)

08 Q. (By Ms. McCloskey) Can you point out to
09 me one or two commands that you would include in
10 the industry-standard CLI?

44. PAGE 91:12 TO 91:22 (RUNNING 00:00:28.759)

12 THE DEPONENT: Show version.
13 Q. (By Ms. McCloskey) How do you know that
14 that's an industry standard command?
15 A. Because if I go to any of my engineers
16 coming in from any company and they've had any
17 industry experience, they know that show version,
18 and they know what will result when they type
19 show version.
20 Q. Do you associate show version with any
21 particular vendor?
22 A. No.

45. PAGE 93:09 TO 93:10 (RUNNING 00:00:03.999)

09 Is it accurate that Dell still supports
10 the industry-standard CLI?

46. PAGE 93:13 TO 93:16 (RUNNING 00:00:06.668)

13 THE DEPONENT: Yes.
14 Q. (By Ms. McCloskey) Is it your
15 understanding that Force10 supported the industry
16 standard CLI?

47. PAGE 93:19 TO 93:19 (RUNNING 00:00:00.987)

19 THE DEPONENT: That's my understanding.

48. PAGE 110:11 TO 110:12 (RUNNING 00:00:06.407)

11 Were you surprised to see that Cisco had
12 sued Arista relating to its use of the -- of CLI?

49. PAGE 110:14 TO 110:15 (RUNNING 00:00:03.258)

14 THE DEPONENT: I -- I don't think
15 anything surprises me, no.

50. PAGE 112:02 TO 112:03 (RUNNING 00:00:01.901)

02 Q. Okay. Now, sir, you're not a lawyer,
03 correct?

51. PAGE 112:07 TO 112:08 (RUNNING 00:00:03.881)

07 THE DEPONENT: I am not -- I am not a
08 lawyer, and it is correct that I am not a lawyer.

52. PAGE 112:10 TO 113:21 (RUNNING 00:01:31.199)

10 Q. (By Mr. Holmes) Do you have any training
11 in copyright law?
12 A. I do not. I -- I -- I have training in
13 copyright law from the standpoint of -- from an
14 engineering side, we receive legal training in

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15 terms of the do's and don'ts for the -- the
 16 employees, as a whole, yes.
 17 Q. Okay. And so as an employee at Dell, do
 18 you receive these do's and don'ts from other
 19 employees at Dell?
 20 A. We receive them from the legal team at
 21 Dell.
 22 Q. And do you know how often you receive
 23 them?
 24 A. We receive them, at a minimum, on an
 25 annual basis, but usually a couple times a year.
 00113:01 Q. Would you agree with me that Dell
 02 respects the intellectual property -- property
 03 rights of its competitors?
 04 A. Absolutely.
 05 Q. And you would agree with me that Dell
 06 wouldn't take another company's intellectual
 07 property without getting permission, right?
 08 A. Correct.
 09 Q. Now, sir, you testified earlier, if I
 10 recall correctly, that, in your opinion, there may
 11 be some similarities between Cisco's CLI commands
 12 and Dell's CLI commands.
 13 Do you remember that?
 14 A. Yes.
 15 Q. Now -- but, sir, your -- you weren't
 16 testifying that Dell copied Cisco, correct?
 17 A. No, sir.
 18 Q. So it's not your testimony today, as a
 19 corporate representative of Dell, that Dell has
 20 copied Cisco's CLI, correct?
 21 A. No.

53. PAGE 114:04 TO 114:16 (RUNNING 00:00:26.864)

04 Q. And when you've provided testimony
 05 earlier that you have an understanding that -- that
 06 other competitors in the routing and switching
 07 market may use certain aspects of an industry
 08 standard, you weren't suggesting that those
 09 companies copied Cisco, right?
 10 A. I'm not suggesting that those companies
 11 copied Cisco.
 12 Q. And as you sit here today, as a
 13 representative of Dell, you don't have any
 14 information as to whether or not those other
 15 companies copied Cisco's CLI, correct?
 16 A. Correct.

54. PAGE 116:23 TO 116:24 (RUNNING 00:00:04.800)

23 Q. (By Mr. Holmes) Sir, does Dell have any
 24 of its own proprietary CLI commands?

55. PAGE 117:06 TO 117:07 (RUNNING 00:00:04.051)

06 THE DEPONENT: We have CLI commands that
 07 other people have not implemented.

56. PAGE 122:07 TO 122:17 (RUNNING 00:00:13.275)

07 Q. Sir, we discussed a company called
 08 Force10 today.
 09 Do you remember that?
 10 A. Yes, sir.
 11 Q. And you're not here as a
 12 representative -- corporate representative of
 13 Force10, are you?
 14 A. I am not.

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15 Q. And you don't work for Force10 currently,
16 right?
17 A. I work for Dell.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:17:08.906)

Δ DEFENDANT Δ	United States District Court Northern District of California	
	Case No.	5:14-cv-05344-BLF
	Case Title	Cisco Systems v. Arista Networks
	Exhibit No.	9081
	Date Entered	
By: _____, Deputy Clerk		Richard W. Wieking, Clerk